

1 MATTHEW L. GREEN, Bar No. 227904
2 matthew.green@bbklaw.com
3 BEST BEST & KRIEGER LLP
4 655 West Broadway, Suite 1500
5 San Diego, California 92101
6 Telephone: (619) 525-1300
7 Facsimile: (619) 233-6118

8 Attorneys for Defendants
9 HON. JUDITH C. CLARK, Judge of the
10 Superior Court of California, County of
11 Riverside, and JASON GALKIN, Court
12 Executive Officer of the Superior Court of
13 California, County of Riverside

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSEPH MINER,

Plaintiff,

v.

CITY OF DESERT HOT SPRINGS,
CALIFORNIA, et al,

Defendants.

Case No. 8:24-cv-02793-CAS-E
Judge: Hon. Christina A. Snyder

NOTICE OF MOTION AND
MOTION TO DISMISS FIRST
AMENDED COMPLAINT

Date: June 2, 2025
Time: 10:00 a.m.
Courtroom: 8D, 8th Floor

Action Filed: December 23, 2024

1 TO PLAINTIFF JOSEPH MINER:

2 PLEASE TAKE NOTICE that on June 2, 2025, at 10:00 a.m., or as soon
3 thereafter as the matter may be heard in the above-entitled Court, located in the First
4 Street United States Courthouse, 350 W. First Street, Courtroom 8D, 8th Floor, Los
5 Angeles, California 90012-4565, Defendants the Honorable Judith C. Clark, Judge
6 of the Superior Court of California, County of Riverside, and Jason Galkin, Court
7 Executive Officer of the Superior Court of California, County of Riverside
8 (collectively, “Superior Court Defendants”), will move the Court to dismiss the First
9 Amended Complaint (“FAC”) filed by Plaintiff Joseph Miner (“Plaintiff”) under
10 Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). This motion will be made on
11 the following grounds:

12 1. This Court lacks subject-matter jurisdiction under Rule 12(b)(1) over
13 the FAC pursuant to the *Rooker-Feldman* doctrine.

14 2. This Court lacks subject-matter jurisdiction under Rule 12(b)(1) over
15 the claims, and the FAC fails to state a claim upon which relief can be granted under
16 Rule 12(b)(6), against the Superior Court Defendants in their official capacities
17 because such claims are barred by the Eleventh Amendment, and the Superior Court
18 Defendants are not “persons” within the meaning of 42 U.S.C. Section 1983 in
19 connection with such claims.

20 3. The FAC fails to state a claim upon which relief can be granted under
21 Rule 12(b)(6) because the Superior Court Defendants are not proper defendants to
22 defend the constitutionality of California Government Code Section 53069.4(b).

23 4. This Court lacks subject-matter jurisdiction under Rule 12(b)(1) over
24 the FAC, and the FAC fails to state a claim upon which relief can be granted under
25 Rule 12(b)(6), because Plaintiff lacks standing to seek prospective equitable relief
26 against the Superior Court Defendants.

27 5. The FAC fails to state a claim upon which relief can be granted under
28 Rule 12(b)(6) against the Superior Court Defendants because the action is barred by

1 the doctrine of judicial immunity.

2 This motion is made following the conference of counsel and Plaintiff pursuant
3 to L.R. 7-3, which took place on April 11, 2025. This motion will be based on this
4 Notice of Motion and Motion, the Memorandum of Points and Authorities served
5 and filed herewith, and the pleadings and papers filed herein.

6 Dated: April 15, 2025

BEST BEST & KRIEGER LLP

7
8 By:/s/ Matthew L. Green

9 MATTHEW L. GREEN
10 Attorneys for Defendants
11 HON. JUDITH C. CLARK, Judge of
12 the Superior Court of California,
13 County of Riverside, and JASON
14 GALKIN, Court Executive Officer
15 of the Superior Court of California,
16 County of Riverside

17
18
19
20
21
22
23
24
25
26
27
28

1 Joseph Miner v. City of Desert Hot Springs, et al.
2 United States District Court, Central District of California,
Western Division, Case No. 8:24-cv-02793-CAS(E)

3 **PROOF OF SERVICE**

4 I, Lisa Atwood, declare:

5 I am a citizen of the United States and employed in San Diego County,
6 California. I am over the age of eighteen years and not a party to the within-entitled
7 action. My business address is 655 West Broadway, 15th Floor, San Diego,
8 California 92101. On April 15, 2025, I served a copy of the within document(s):

9 **NOTICE OF MOTION AND MOTION TO DISMISS FIRST
10 AMENDED COMPLAINT;**

11 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
12 OF MOTION TO DISMISS FIRST AMENDED COMPLAINT**

13
14
15 **By Electronic Service.** Pursuant to CM/ECF System, registration as a
16 CM/ECF user constitutes consent to electronic service through the
17 Court's transmission facilities. The Court's CM/ECF system sends an
e-mail notification of the filing to the parties and counsel of record who
are registered with the Court's EC/ECF system.

18 Joseph Miner
19 P.O. Box 11650
20 Costa Mesa, CA 92627

IN PRO PER PLAINTIFF
Tel.: (949) 903-5051
Email: josephminer@gmail.com

21
22 I declare that I am employed in the office of a member of the bar of this court
23 at whose direction the service was made.

24 Executed on April 15, 2025, at San Diego, California.

25 _____ /s/ Lisa Atwood
26
27 Lisa Atwood

28 PROOF
SERVICE